

Notice of Allowability

Application No.

10/698,423

Examiner

Traci L. Smith

Applicant(s)

EASTER ET AL.

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/26/2006.
2. ☒ The allowed claim(s) is/are 1-2, 5, 7-14, 17 and 19-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

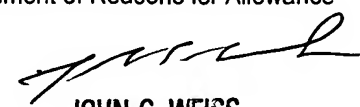
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

This action is in response to papers filed on April 26, 2006.

Allowable Subject Matter

1. Claims 1-39 have been allowed.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sheree Rowe(formerly Clove) on July 26, 2006.

The application has been amended as follows:

1. (Currently Amended)

A method for educational or disability related service gap analysis, the method comprising:

at a computer processor, receiving information describing an educational or disability related service encounter describing at least one of the educational or disability related service encounters being performed, missed, missing attempted and made up;

at the computer processor, receiving a date range from a user;
at the computer processor, identifying at least one education or disability service plan that is valid within the date range based on input from the user;

at the computer processor, determining the expected number of educational or disability related services within the date range by performing a calculation based on information included in the at least one educational or disability related service plan;

at the computer processor, identifying at least one educational or disability related encounter associated with the educational or disability related service plan

Art Unit: 3629

occurring within the date range by accessing a storage medium readable by the computer processor,

at the computer processor, comparing the expected number of educational or disability related services with the number of identified educational or disability related encounters for the educational or disability related service plan;

at the computer processor, generating information indicating required educational or disability related services ~~that were missed services~~, missing ~~services~~, and ~~services met performed, attempted and made-up~~ and

at the computer processor, generating a result for the at least one identified educational or disability related service plan, the result indicating the shortfall and surplus of educational or disability related encounters for the at least one identified educational or disability related service plan.

2. (Currently Amended) The method of claim 1, wherein the education or disability service plan is an individual education plan used in complying with the Individuals with Disabilities Education Act.

5. (Currently Amended) The method of claim 1, further comprising:
at the computer processor, comparing the expected number of education or disability services for all identified education or disability service plans with the number of identified education or disability encounters for all identified education or disability service plans.

6. (Cancelled)

8. (Currently Amended) The method of claim 7, further comprising:
at a computer processor, for each time period and each education or disability service plan, comparing the expected number of education or disability services within the time period with the number of identified education or disability encounters for the education or disability service plan within the time period.

9. (Currently Amended) The method of claim 8, wherein at the computer processor a result is produced for each time period and each education or disability service plan, the result including a number indicating the shortfall or surplus of education or disability encounters for the education or disability service plan within the time period.

10. (Currently Amended) The method of claim 7, further comprising:
at the computer processor, for each time period, comparing the expected number

of education or disability services for all identified education or disability service plans with the number of identified education or disability encounters for all identified service plans.

11. (Currently Amended) The method of claim 10, wherein at the computer processor, a result is produced for all identified education or disability service plans for each time period, the result including a number indicating the shortfall or surplus of education or disability encounters for all identified education or disability service plans within the time period.

12. (Currently Amended) The method of claim 1, wherein the at least one identified education or disability encounter for a education or disability service plan includes each education or disability encounter that occurred after the service plan terminated.

13. (Currently Amended) The method of claim 1, wherein each of the at least one identified education or disability encounter is associated with a education or disability service that was provided or attempted.

14. (Currently Amended) A method for entering education or disability encounter information into a storage system, the method comprising:

at a computer processor, receiving information describing a education or disability service encounter actually performed, the received information including an education or disability encounter type and the duration of the encounter',

storing information describing the education or disability service encounter in an electronic storage medium readable by the computer processor, the stored information including the education or disability encounter type and the duration of the education or disability encounter', and

at the computer processor, comparing an expected number of education or disability services with the education or disability service encounter actually performed;

at the computer processor, generating information indicating required education or disability service that were missed services, missing services, and services met, attempted and made-up and

at the computer processor, generating a result for the comparison, the result indicating the shortfall and surplus of education or disability encounters.

wherein the stored information is associated with a education or disability service plan, an individual receiving the education or disability service, and a education or disability service provider.

17. (Currently Amended) The method of Claim 14, wherein the education or disability encounter type specifies one selected from a group consisting of services provided, attempted services, and missed services.

19. (Currently Amended) A system for assisting a management entity with compliance with a management scheme, the management scheme including a plurality of

requirements, the system comprising:

means for receiving a date range from a user;

means for identifying one or more education or disability service plans that are valid within the date range, based on input from the user;

-means for electronically determining the expected number of education or disability services within the date range by performing a calculation based on information included in the at least one education or disability service plan;

means for electronically identifying at least one education or disability encounter associated with the education or disability service plan occurring within the date range by accessing a storage medium readable by a computer', and

means for comparing the expected number of education or disability services with the number of identified education or disability encounters for the education or disability service plan;

means for generating information indicating required services that were missed ~~services~~, missing ~~services~~, and ~~services~~ met, attempted and made-up, and

means for generating a result for the at least one identified education or disability service plan, the result indicating the shortfall and surplus of education or disability encounters for the at least one identified education or disability service plan.

20. (Currently Amended)

A system for assisting a management entity with compliance with a service plan, the management scheme including a plurality of requirements, the system comprising:
a processor;

a user interface functioning via the processor, and

a repository accessible by the processor;

wherein a date range is received via the user interface and stored in the repository;

wherein at least one education or disability service plan that is valid within the date range is identified via the processor;

wherein the expected number of education or disability services within the date range is

determined via the processor', and

wherein, one or more encounters associated with the service plan occurring within the date range is identified via the processor

wherein the expected education or disability number of services are compared with the number of identified education or disability encounters for the education or disability service plan; and

wherein information indicating required education or disability services that were missed services, missing services, and services met, attempted and made-up are generated, and

wherein a result is generated for the at least one identified education or disability service plan, the result indicating the shortfall and surplus of education or disability encounters for the at least one identified education or disability service plan.

31. (Currently Amended) A computer program product comprising a computer usable medium having control logic stored therein for causing a computer to run a education or disability service gap analysis the control logic comprising;

first computer readable program code means identifying at least one education or disability service plan that is valid within the date range;

second computer readable program code means for determining the expected number of education or disability services within the date range;

third computer readable program code means for identifying at least one education or disability encounter associated with the education or disability service plan occurring within the date range

fourth computer readable program code means for comparing the expected number of education or disability services with the number of identified education or disability encounters for the education or disability service plan,

fifth computer readable program code means for generating information indicating required services, that were missed services, missing services, and services met, attempted and made-up', and

sixth computer readable program code means for generating a result for the at least one identified education or disability service plan the result indicating the shortfall and surplus of education or disability encounters for the at least one identified education or disability service plan.

32. (Currently Amended)

The method of claim 1, further comprising:

at the computer processor, electronically determining ~~the~~ a expected duration of education or disability services within the date range by performing a calculation based on information included in the at least one education or disability service plan; and

at the computer processor, electronically determining the number and duration of identified education or disability encounters by performing a calculation based on information associated with the identified education or disability encounters.

33. (Currently Amended) The method of claim 32, further comprising:

at the computer processor electronically converting the expected number and duration of education or disability services and the number and duration of identified education or disability encounters to a common unit of measurement', and

at the computer processor, comparing the expected number and duration of education or disability services and the number and duration of identified education or disability encounters to determine the variance between them.

34. (Currently Amended) The method of claim 1, wherein electronically determining the expected number of education or disability services comprises:

at the computer processor factoring in the number of available days for education or disability service based on a calendar and based on any identified education or disability gaps in service.

36. (Previously Presented) The system of claim 19, further comprising:

means for electronically determining the expected duration of education or disability services within the date range by performing a calculation based on information included in the at least one education or disability service plan; and

means for electronically determining the number and duration of identified education or disability encounters by performing a calculation based on information associated with the identified education or disability encounters.

37. (Currently Amended) The system of claim 36, further comprising:

means for electronically converting the expected number and duration of education or disability services and the number and duration of identified education or disability encounters to a common unit of measurement; and

means for comparing the expected number and duration of education or disability services and the number and duration of identified education or disability encounters to determine the variance between them.

38. (Currently Amended) The system of claim 19, wherein electronically determining the expected number of education or disability services comprises:

factoring in the number of available days for education or disability service based on a calendar and based on any identified gaps in education or disability service.

3. The following is an examiner's statement of reasons for allowance:

4. As per **Independent claims 1, 14, 19, 20 and 31** the prior art does not teach or suggest a method educational or disability related service gap analysis where in the information being generated indicates required educational or disability related services inclusive of those *that were missed, missing, and performed, attempted and made-up*. The prior art further fails to identity results of services encounter the *show a surplus and a shortfall* of the identified plan.

5. The primary reference www.4glsoftware.com retrieved from the wayback machine any linkage March 3, 2001, hereinafter referred to as 4GL. 4GL teaches a method of recording information regarding a students IEP. 4GL is directed to the assessment of the student. The assessment is used to identify the students needs. 4GL tracks whether or not assessments have taken place or need to be scheduled rather than the actual services offered to the students. For example, 4GL determines in has met with a student to determine emotional or maturity levels, in turn these assessments are then used to identify the services needed to be set forth in a students IEP. 4GL fails to generate comprehensive results that identify and show the services in

which professionals have attempted to complete, have completed and missed as well as a total number of shortfall and surplus services for one students IEP.

6. **Roper, US 6,270,351** teaches an automated system of developing a students IEP program. The system using information entered from a students assessment to generate and electronic IEP and recommended services the child should receive based on the assessments and time frames.

7. However, Roper fails to teach one the IEP is completed and being administered monitoring the services that were recommended for the student. Roper further fails to identify results that indicate shortfalls and surplus services for an individual students IEP.

8. Furthermore, the combination of 4GL with Roper would fail to teach the limitations of the independent claims as recited.

9. The remaining dependent claims 2, 5, 7-13, 17, 21-30 and 32-39 are considered allowable, as they are dependent and based off of an allowable independent claim.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

11. Applicant's arguments with respect to claims 1-2, 5, 7-14, 17 and 19-39 have been considered but are moot in view of the examiners amendment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLS



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